

PROGRAM LETTER 01-4

TO: All LSC Program Directors

FROM: Randi Youells _____
Vice President for Programs

DATE: July 19, 2001

RE: **STATE PLANNING AND THE RECONFIGURATION PROCESS**
(Providing an Opportunity for Increased Involvement of Designated State Planning Bodies in the Determination of Service Areas to Be Competed by LSC)

As part of the competitive bidding process, LSC publishes in the Federal Register a Request for Proposals ("RFP") in the spring of each year for grants for the following year. The RFP defines the geographical areas, or service areas, which will be in competition.

LSC is committed to effective communication and coordination with state planning bodies on matters where decisions are likely to have a direct impact on other important state civil equal justice planning initiatives. One such area of decision-making involves the designation of LSC geographic service areas (i.e., configuration) that will be competed in a given state or region.

LSC recognizes and appreciates the increasingly active role that state planning bodies have assumed in overseeing state civil equal justice delivery activities. LSC further recognizes that our decisions have the potential to directly affect a range of state level funding, resource allocation, and other related civil legal services delivery considerations. For these reasons, LSC believes it important to take special steps to maximize the potential for effective communication and coordination in the development and implementation of decisions that will result in changes to the boundaries of LSC geographic service areas before such decisions are made effective.

The objective of the process outlined in this Program Letter is to maximize the potential for meaningful and principled engagement with designated state planning bodies¹ on matters relating to service area configuration decisions before such decisions are implemented. Such a process, however, must not be viewed as an abdication by LSC of its responsibility to make decisions that in its judgment promote its statutory mission, the articulated goals and objectives of LSC's State Planning Initiative, and the efficient and effective delivery of civil legal services to

¹ A "Designated State Planning Body" is an entity that has been established and charged with responsibility for coordinating state legal services delivery planning in accordance with LSC Program Letters 98-1, 98-6, and 2000-7. Such planning entities are generally composed of an array of civil equal justice delivery stakeholders, including but not limited to representatives from the state bar association, state IOLTA funding entity, staffed legal services programs (LSC and non-LSC), the pro bono community, client organizations, clients and others with an interest and commitment to effective delivery of civil legal services to poor and vulnerable people in the state. In the absence of a designated state planning body, the review process outlined in this Program Letter will be extended to the organized bar association and/or IOLTA funding entity in the state.

low income people in each state. Nor should this process be viewed as providing designated state planning bodies with the power to veto service area configuration decisions made by the LSC President.

Reconfiguration Review Process

- * At the earliest possible time, LSC's state planning team will advise the designated state planning body (DSPB) in each state whether and to what degree issues of geographic service area configuration are matters of concern to LSC. Where such issues are of active concern to LSC, the LSC designated representative(s) of the LSC state planning team will outline the concerns in relation to the issues identified for state planning focus in Program Letters 98-1, 98-6 and 2000-7.
- * To the extent reasonably practicable, LSC's state planning team will work with the DSPB, LSC's grantees, and other key stakeholders in such states to foster timely and effective consideration of the issues relating to service area configuration.
- * At least sixty (60) days prior to publication of service areas in the Federal Register, LSC's state planning team will identify in which states, if any, it recommends that LSC compete a new or different set of service areas. LSC will notify the DSPB in each such state of the state planning team's recommendation. Such notification will include a description of the substance of the recommendation and the consultation process by which such recommendation might be affected before it becomes effective.
- * If the LSC state planning team recommends a service area configuration that differs from one approved or recommended by the DSPB, the authorized representatives of the DSPB may seek a meeting with LSC's Vice-President for Programs to ask for reconsideration of the state planning team recommendation. The DSPB will be asked to articulate in writing the concerns and objections that it has regarding the recommendation of the state planning team in relationship to the considerations and criteria outlined in Program Letters 98-1, 98-6, and 2000-7, as well as any other considerations or criteria it believes relevant to the decision.
- * Upon such request, the Vice-President for Programs will convene a face to face meeting with the authorized representatives of the DSPB. As soon as practical thereafter, the Vice-President for Programs shall advise the DSPB of the service area configuration recommendation that will be forwarded to the LSC President. In making this recommendation, the Vice-President for Programs shall be guided by the considerations and criteria outlined in Program Letters 98-1, 98-6, 2000-7, the analysis and recommendations of the state planning team, the articulated concerns of the DSPB, and such other information that the Vice-President for Programs believes to be relevant.
- * If the DSPB is not satisfied with the LSC Vice-President for Programs' recommendation, it may seek a meeting with the LSC President to ask for reconsideration of the Vice-President's recommendation. The DSPB will be asked to provide such additional written information as it believes will assist the LSC President to fully and fairly entertain its concerns and objections.

Upon such request, the President will convene a face to face meeting with the authorized representatives of the DSPB. As soon as practical thereafter, the LSC President will advise the designated state planning body of the final decision relating to program configuration in the affected state. In making the final decision, the President shall be guided by the considerations and criteria outlined in Program Letters 98-1, 98-6, 2000-7, the analysis and recommendations of the state planning team and the Vice-President for Programs, the articulated concerns of the DSPB, and such other information that President believes to be relevant.

The decision of the LSC President shall be final and binding.